

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**DOUGLAS B. STALLEY, on behalf of
the United States of America**

PLAINTIFF

V.

NO. 3:07CV00006 GTE

AMERIS HEALTH SYSTEMS, LLC

DEFENDANT

ORDER

Currently before the Court are Defendant's Motion to Dismiss (Docket # 5), Notice of Related Case (Docket # 4) and Plaintiff's Motion to Stay pending resolution of appeals pending before the Eighth Circuit (Docket # 7). Plaintiff filed this action on behalf of the United States of America seeking recovery under the Medicare Secondary Payer Act ("MSP"), 42 U.S.C. §1395y(b).

This case is one of a large number of similar cases which have been filed across the country. At least five other cases have been filed in this Court: Douglas B. Stalley, on behalf of the United States of America v. Catholic Health Initiatives, et. al., Docket No. 4:06CV00629-GH; Douglas B. Stalley, on behalf of the United States of America v. Triad Hospitals, Inc., et. al, Docket No. 3:06CV00093-WRW; Douglas B. Stalley, on behalf of the United States of America v. Select Medical Corp., Docket No. 4:06CV001711-JMM; Douglas B. Stalley, on behalf of the United States of America v. Baptist Health, an Arkansas Corporation, Docket No. 4:07CV00024-JMM; and Douglas B. Stalley, on behalf of the United States of America v. Baptist Memorial Health Care Corp., Docket No. 2:06CV00234-JMM.

United States District Judges George Howard and William R. Wilson, Jr. have dismissed the cases filed in their courts pursuant to Fed. R. Civ. P. 12(b)(1) and (6). These cases are

currently on appeal to the Eighth Circuit Court of Appeals. Judge Moody has granted the motions to stay pending the decision of the Eighth Circuit Court of Appeals in the cases filed in his court.

The Court has weighed the interests of the parties and finds that the interest of judicial economy compels that this case be stayed pending decision of the Court of Appeals.

IT IS SO ORDERED this 13th day of February, 2007.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE